On hearing that they had children the alcalde

the spectators.

Alcalde Field acted as mayor, and adminis

"Take your seat, sir," retorted the judge.
"I fine you a hundred dollars."

"I fine you two hundred dollars, sir," ad-

He ran to the courthouse, opened the door, and shouted: "Judge Turner, oh, Judge!

Meantime the deputy-sheriff transferred Mr.

"Go put him under lock and key," thun-dered the Texan. "If necessary, put him in

arning the key upon you in your own office."

so regarded.'

d by witnesses.

leputy replied.

MEMPHIS APPEAL GALLAWAY & KEATING. Rates of Advertisina. 81 00

dalla way z REATING, 282 Second Street, Yemphis, Tenn. E TO. GALLAWAY, Extered at the Postoffice at Memphis, Tenn. Record Class Matter.

SUNDAY, : : MAY 2, 1880

THE OLD BANNER AGAIN UN-FURLED. Elsewhere in to-day's APPEAL will be found the proceedings of the Democratic school and miscellaneous books; seeds, farmmass-meeting held in this city yesterday. The meeting was neither large nor enthusiastic. An assemblage called for the purpose of gave a first-class, fully equipped ship to be appointing an executive committee and dele- used in transportation of passengers and gates to a State convention, is not an occasion stores. In short, Liberia has been cared for for a large attendance or to call forth much and nursed as no colony ever was before, enthusiasm. But the crowd present was respectable in numbers, and the spirit mani- to have left little necessity for the bounty of fested indicated that there was still life and man. The soil is remarkably fertile, provitality in the Democratic party of Shelby. A ducing all the fruits and vegetables belonging nucleus was formed for the re-organization of cheer ulness, rather than rejoice in victory obtained upon error or double-dealing, bartering and trading with political buccaneers whose devotion to party is gauged by the amount of booty they receive for their serv.ces. It was devotion to principle, through adversity, storm, tempest and defeat, for forty years that enabled the Republican party to triumph in 1860. When the Whig party went down in 1844, Henry Clay, its great leader, did not surrender. He said to his folagain;" and in the next election the Whige rode into power on a popular wave. In 1840 the Democrats were defeated; but they ac cepted defeat on principle. They stood fast to their faith, and in 1844 they rode into power on the returning tide. In 1848 Zach Taylor overwhelmingly defeated the Democrats; but they stood by their flag in defeat, and in 1852 Franklin Pierce, the Democratic nominee, carried nearly every State in the Union. We would call the attention of the despairing and despondent Democrats of Shelby to these facts. The Democratic party is again marching to power and when its triumphant banner floats f om the battlements of its routed enemies. the Republicans, the Nationals and the Greenbackers, and many of those who have now deserted its flag will be found getting up certificates to prove that they were always loyal to Democracy. We say to the Democrats of Fends Among Texas Families Amon old Shelby stand by your colors, for your par ty is marching to victory with the certainty of fate. To you is committed the great duty of keeping alive the sacred fires of devotion to party and principle amid the fury of the tempest, when feebler hands have been reby your fidelity you will prove yourselves warthy of your opportunities, and thus com-

aster and an end to the Democracy of Shelby The exodus committee is "dragging its slow length along," but much valuable information has been elfeited. It has been demonstrated before the committee that the honest, industrious blacks of the south are satisfied and presperous, and that the negroes strolling over the country in search of new-configuration of authority from or under the confederate government, performed the ofhomes have been deluded by the promises of the Republicans, who inaugurated the exodus victims was John Steele, who became the obmovement for political purposes. As evideace of this, we have only to refer to the recent testimony of Lewis Stubblefield, of Bolivar county, Mississippi, a colored farmer, iant home-guard—ne was seiz-d, taken out, and it was proposed to bang him for alleged who is unable to read or write. At the close disloyalty to the Confederates. A friend of the war he was a slave, but now owns a his, however, prevailed on the chivalrous farm of one hundred and sixty acres, well crowd to let him go on promise of leaving supplied with stock, and altogether worth, he thought, over ten thousand dollars. There were twelve or tifteen other colored men in power in Houston, Steele met his old enemy on the county worth fully as much as himself. Bolivar county, he thought, was the best place in the country for a colored man to make a living, and "if he could not do it there, he could not anywhere." Colored children had too fast for him, and, whipping out a reequal chances with the whites for obtaining an education. There was a good demand for the labor of colored men in this section; but the trouble was that many of them were doubt that the threat would be kept. At the lazy. He thought poor celored people were as indus rious as the same class of whites, Tais colored witness before the exodus the death of his father produce on the boy, that committee has given the truth the desire for revenge for the murder of his in a few words. The thrifty, industrious colored people of the south are peaceful, prosperous and happy. It is only the lazy vagabonds who are discontented, and in the hope of living without work, and exciting northern sympathy, they tell all sorts of falsehoods about their persecutions. The prosperous as the pror industrious whites-Stubble field-abundantly proves. Here in derer would come into the very shadow Memphis, the sober, active and energetic | the altar, the very presence of the Alm blacks have accumulated property. Many of | himself, to perform his deed of blood. When them own real estate, drays, wagons and nules, and are as happy and prosperous as other worshipers. As he was descending the the poor whites of the north. In Georgia the steps of the house of God into the street, colored people are becoming Democrats be- young Jared E. Kirby stepped in front, and colored people are becoming Democrats because they see that although the State is immensely Democratic, there has been no attempt to "throw the negro back into slavery" or to deprive him of a single right; that there are no riots or disagreements, but that the races live in perfect harmony; they see times may not followed the state of the suppose of

sink back to its former condition, that of barbarism and savagery. In 1819 congress appropriated one hundred thousand dollars, and up to this time the colonization society has received and disbursed for the benefit of its protege two million and a half of dollars exclusive of, we learn, nearly a million more fur- Justice of the Supreme Court nished by the auxiliary societies. Many large legacies were left to the colony direct or to found educational and benevolent institutions in it; religious and secular teachers were sent out free of cost from our own country and England; publishing houses donated ing utensils, etc., were contributed in abundance, and a generous gentleman in Maine

to the torrid zone with a small amount of la the unconquerable Democracy, and by the bor. With so many natural and acquired the unconquerable Democracy, and by the middle of June or the first of July the party will show itself worthy of victory, by prefer-will show itself worthy of victory, by preferring defeat to a cowardly surrender of prin- of uninterrupted peace and prosperity. ring defeat to a cowardly surrender of prinples. One awallow does not make a summer.

But such has not been the case. It has been vice in protecting the coast of Connecticate ples. One awallow does not make a summer. and the defeat of the Democracy of Shelby uphill work all the way; and instead of the from invasion. Nosh served in the old county two years ago by an unholy and undifficulties decreasing with the progress of French war under General Israel Putnam, county two years ago by an unholy and unna ural combination, which has long since
exploded, has not annihilated the Democratic
party of Shelby. Even in this county it has passed through darker days than these and gained new strength by defeat. The strength of a political party consists in its readiness to accept defeat upon great truths with which show that the negroes disfranchise the whites in Liberia, and that the republic, inwhites in Liberia, and that the republic, in-stead of progressing, is lapsing back into anarchy and barbarism, the blacks complain unted from Yale college. After marriage be anarchy and barbarism, the blacks complain of the rule of the southern whites. While the whites are disfranchised in Laberia, the

whites, but accumulated a fortune. TOR SCOTT.

On Account of His Health, has to R. sign the Presidency of the Penn-

svivania Central Railroad. PHILADELPHIA, May 1.-At a specia meeting of the directors of the Pennsylvania railroad to-day a semi-annual dividend of three per cent was declared. The resignation of Colonel Thomas A. Scott, who has been oresident of the company for the past six years, was received to take effect on the first of June. The resignation was referred to a committee for consideration and to report at a meeting to be held next week. Mr. Scott's health caused his resignation.

TEXAS VENDETTAS.

Whom a War of Extermination Ras Been Declared-War to the Knife and the Knife to the Hill.

the State is that which has latterly sprung up between two of the most prominent fam-

ANOTHER CASE. This (Waller) county is unfortunately the scene of a vendetta possibly more bitter and Confederate government, performed the of-Kirby, both being residents of the same country neighborhood. Steele's house was that part of the State. This he did. Kirby had threatened Steele's life. At the close of the war, when a military commandant was in marshal's office, on the second floor of the Wi'son building, corner of Main and Conact of drawing a weapon. But Steele was volver, shot and killed Kirby. He was artime of K rby's tragic death, his son, E. Kirby-bearing the name of the old man-was a mere lad, but so de-p an impression did parent became the leading idea of the lad, and developed with his youth. He grew to manemon of blood-waxed strong upon him The time arrived to execute the threat of vengeance made over the dead body of hi father. One quiet, beautiful Sabbath of 1879 John Steele, who had been under apprehension f assassination for fifteen years, and now an id, gray-headed man, was attending the Methodist church in Hempstead and worshiping with the congregation, totally unaware of the presence of the assassin, or that the mur the congregation was dismissed Steele, who occupied a back seat, came forth ahead of the

from the People-Who Owes Nothing to Factitions Alds-Who has Risen by His Own Efforts to be a

the United States-A Man who has Rigidly Adhered to the Constitution and is a Strict Constructionist.

His Early Struggles in California-Scene in the California Legislature-His Father and His Family-His Decisions and His Opinions.

Timothy Field and Noah Dickinson were captains in the war of the revolution. Tim-othy won his rank by active service in the October, 1776. Afterward he did good ser-

the whites are disfranchised in Liberia, the charge of this church fourteen years. In whites of America would not disfranchise 1818 he removed to Stockbridge, Massachuthe blacks. All that the southern whites ask of the blacks is to imitate the example of Stubblefield, of Bolivar county, who has, by to Stockbridge. He died there on April 15. honest industry and performing the duty of 1867. David Dudley and Submit Field had lowers: "We'll pick our fluts and try it a good citizen, not only made friends of the line children. They were:

David Dudley Field, now an eminent lawyer, practicing in this city.
Emilia Field, deceased. She married
Rev. Josiah Brewer, a well-known mission-

Timothy Field, who became a lieutenant in the United States navy, and was lost at sea in 1836. Matthew D. Field, deceased. He was a noted engineer, and built the suspension bridge over the Cumberland river at Nashille. It was destroyed during the war. Jonathan E. Field, deceased. Was once resident of the Massachusetts senate. Stephen Johnson Field, now associate justice of the United States supreme court. Cyrus West Field, through whose efforts the first Atlantic cable was laid. Henry Martin Field, an American clergy-

man and a well known author.

nearly three years old when his father re-moved to Stockbridge, Massachusetts. He ance, and was held to the line of Congregahad more charms for him than the new dispensation. His schoolmates found it dan-gerous to knock a chip from his shoulder. If worse than the average minister's son. In 1829 Stephen's sister, Emilia, married Rev. Josiah Brewer, a returned missionary. Democracy of Shelby lowers its proud banners and permits greedy office-seekers to conners and permits greedy office-seekers to control its action, defeat is inevitable. If not successful we can by our fidelity prove our selves worthy of success. Adherence to our party and its organization will bear the promise of victory. All clese will be but the mockery that leads through dishonor to disappear and an end to the Democracy of Shelby

lege. junior and senior classes, delivering the Greek oration and the valedictory, and gradand became his brother's partner. He apperhaps confined himself strictly to office

In 1845 David Dudley Field wrote two articles for the Democratic Review on in and signed the document, but there was the northwest boundary. In his ex-amination of works on Oregon and Califor-acknowledgment. Mr. Field said that a nia he became familiar with the geography of the Pacific coast. War against Mexico was declared in the spring of 1846. One day David planted his forefinger on a map of northern Mexico, and told Stephen that if he ing the miners held a meeting in this house was a young man he would go to San Fran-cisco. "It's the finest harbor on the coast," he said, "and I am satisfied that peace will council. Stephen made a speech, predicting not be declared until the United States owns that harbor. If you will go out there, Stephen, I'll pay your expenses and give you money to buy land in San Francisco."

the prosperity of the new town in glowing colors. He said that it lay in the center of a fine suriferous region, and commerce would concentrate at the junction of the rivers. It Stephen thought the matter over and de-clined. He had longings for a second trip to clined. He had longings for a second trip to Europe, and could not repress them. The war closed and California was ceded to the United States. Stephen went to Europe in the summer of 1848. While sitting in Galignant's news room in Paris, in November, he read President Polk's message confirming reports of the discovery of gold in California, and regretted that he had not accepted his brother's offer. He trayeled over the contibrother's offer. He traveled over the continent, and returned to this city on the first of the Donner party.

October, 1849. It was the beyday of the gold excitement. alcalde of Yubaville at Sacramento on the Stephen caught the fever. His finances were twenty-second of January, 1850. Under Mex-

him seven dollars to get his two trunks ashore. With two fellow passengers he en-gaged a room in an old adobe building at thirty-five dollars a week. The two passen-gers took the bed, and Stephen slept on the floor. On the next morning he paid two dollars for breakfast. A solitary dollar was left. The weather was beautiful. The sides of the hills running back from the water were dotted with sheds and tents. The bay washed the east side of what is now known Montgomery street, between Jackson and Sacramento streets. Happy Valley, now Mission and Howard streets, between Market and Folsom, was packed with shanties and tents. Men representing nearly every na-tion in the universe dashed through the nar-

tion in the universe dashed through the narrow streets, each clad in his national costume. Stephen met many New Yorkers. All shock him by the hand and told him he had come to a glorious country.

About an hour atter breakfast Stephen saw a crowd surging around a small building facing the plaza. On inquiry he was told that it was the courthouse. Judge Almond was holding what was known as the court of the first instance. Stephen saw two of his fellow-passengers sitting on the jury. They said that while visiting the building out of curiosity, they were summoned by the sheriff. They demurred on the ground that they had just landed. "That makes no difference," the sheriff responded; "you're eligible." Each juror received eight dollars for his services. Stephen hung around an hour or rices. Stephen hung around an hour or more awaiting an opportunity to serve his country, but got roce. He resumed his per-ambulations. While passing down Clay street, near Kearney, he saw this sign:

JONATHAN D. STEVENSON GOLD DUST BOUGHT AND SOLD HERE.

'He remembered the due-bill placed in his bands by his brother David. Jonathan stood behind the counter, weighing gold dust. He recognized his visitor, and gave him a cordial greeting. "It's a glorious country for business," he said; "I've made two hundred thousand dollars since I've been here." After further conversation the due bill was pre-With this money the young lawyer hired an office on the corner of Clay and Montgomery streets at three hundred dollars a month. payable in advance. The apartment was lifteen feet by twenty. He swung out his shingle and awaited clients. None came. On the third day, however, a fellow passenger turned up, and laid thirty-four dollars before him. "What's this for?" said Mr.

"When you left the shio," was the reply, you gave me sixty-four New York papers. T've just sold them for a dollar apiece, and have come to divide with you." The only business done by the lawyer in two weeks was the drawing of a deed for a tellow passenger. He charged an ounce of gold for his services, but the passenger thought it unreasonable, and Stephen comremised on half an ounce. The figancial sky was again

cloudy. Among his introductory letters Sephea found one addressed to Simmons, atchinson & Co., a rising business firm. He presented it, and was kindly received. They told him that the new town of Vernon, at the junction of the Father and Sacramen-to rivers, was a fine field for a young lawyer, and offered to sell him town lots The steamer M'Kim was advertised to sail Sacramento on the next day. The firm Stephen J. Field was born in Haddam, offered him a ticket, assuring him that Successfully, November 4, 1816. He was ramento was not far from Vernon. The re-jurist left San Francisco on January 12, 1850, He It was the time of the great flood. The city scholar. He was a boy of pluck and endur- was rowed to a hotel in a boat. The hotels were jammed with miners and speculators, tionalism with difficulty. The Mosaic law all in ecstasies over the glorious country.

On the next day Mr. Field started for Vernon on the Lawrence. The boat was so heavily laden that she was only eighteen St. Louis Globe-Democrat: Among the vendetas of more recent origin in this part of it with interest. He was no better and no requested to keep as quiet as possible, and not move around on her deck. After a four hours' run the captain became much excited. "Ho, stop her!" he cried. "Stop her! Back affection and gratitude of your party in the hour of triumph. The venal place-hunters, stimulated by the triumph of the combination against the Democracy two years ago, which has long since exploded are joined to their folly on their folly of learn them of their folly of learn them that the party which they have descrited in the day of the loggins and the loggins are related. "He captain became much excited, "Ho, stop her!" he cried. "Soop her! idols. Nothing but defeat will cure them of their folly or learn them that the party which they have deserted is destined to rule this country. The Democratic mass-meeting yester-displayed and following a sternoon that the Democratic party is still determined and full of fight. Let the work of organization go on. Let us stand by our organization of the strugging patriots had thrilled the strugging patriots had thrilled

> want 'em," the salesman answered.
> Thereupon Stephen subscribed tor sixty-five
> lots, valued at sixteen thousand two hundred on the Greek coast, and narrowly escaped with his life. He acquired the Turkish, and fifty dollars. He had only twenty dollars Greek, Italian and French lauguages. He in the world. It was quickly reported that a spoke modern Greek as readily as his mother tongue, and kept his dury in that language. vesting in the lots. The proprietors of the went with him on these errands of mercy, and was rewarded by the gratitude of the stander saw the chamois skins that were Bick and dying.
>
> He returned to this country in January, 1833. In the fall he entered Williams col-He took the highest honors in the and senior classes, delivering the oration and the valedictory, and gradin 1837. Israel W. Andrews, president of the first one hundred and eighty dollars.
>
> On the next day M. Covillaud paid Stephen a second visit. "I see," said he, "by the New York journals, that you are a lawyer. uated in 1837. Israel W. Andrews, president of Marietta college, and Colonel Lewis Benedict, of Albany, killed in the war, were want you to draw up the papers." The land among his classmates. Stephen began the was situated at the head of river navigation, study of the law in the office of his brother, and the place promised to become an impor-David Dudley, in New York, in the fall of tant depot for the mines. The tract had been 1837. In 1841 he was admitted to the bar, bought from Captain John A. Sutter, the original discoverer of gold in California. The pears to have made no mark at the bar, and purchasers had received no conveyance. While the lawyer was drawing up the deed they sent a vaquero for Sutter, who lived on Feather river, six miles away. Sutter came

Mr. Field was sworn into office as the first

ing better homes there were the mess them they found north. The treatment of the backs they found north. The treatment of the blacks by the treatment of the blacks by the reatment of the blacks by the sontern whites countrasts most favorably with the treatment of the blacks under treatment of the whites by the blacks under treatment of the whites by the blacks under treatment of the whites by the blacks under the foundary. The demands once of the blacks by the blacks under treatment of the whites by the blacks under the treatment of the whites by the blacks under the treatment of the blacks under th

closer by excluding from political rights and privileges all those who have a drop of white blood in their veins. This will put the republic under the rule of the unadulterated African, and sooner or later Liberia will African, and sooner or later Liberia will afrom the People—Who Owes Nothand Sacramento had run dows his boat, entailing the loss of a part of his cargo. Alcalde
Field instantly dictated a process to his marshal, directing him to seize the steamer and
hold it until further orders unless the care.

The day appointed by law for the opening of the court of sessions, of which Judge
Haun was the presiding judge. Stephen
sued out another writ. While arguing it before the court of sessions. shal, directing him to seize the steamer and hold it until further orders, unless the captain or owner gave security to appear in action and pay any judgment that might be recovered. The captain appeared, and the case was tried and judgment rendered within five hours after the commission of the incourt must not be disturbed. The sheriff re-In civil cases the alcalde called a jury, if turned to Turner. That official directed him wanted, and, in important criminal cases, summon a posss and carry out his instructions. If necessary he was to handcuff Judge ways appointed to represent the people and the accused.

The sheriff entered the court of sessions,

> he should be given fifty lashes in public. If he was again, found within the vicinity, the whipping was to be repeated. The fellow was not seen in Marysville after the flogging.
>
> A man was convicted on the charge of stealing fifteen hundred dollars from a woman. The alcalde sentenced him to receive fifty lashes on two successive days unless he gave up the mosey. If this was done, half the sentence was to be remitted. The marshal made the prisoner bug a tree and began to punish him. At the twenty second gan to punish him. At the twenty second to make a qualified apology to the district stroke of the lash the man cried, "Stop, for God's sake, and I'll tell you where the money that if he had obstructed the order of the He did so, and was forced to carry it court he did it unwittingly, and not conback to the woman and apologiz. He was then marched back to the tree, where he re-Camp Far West was a military post on Bear river, fifteen miles from Marysville. The officer in charge recognized the alcalde's honesty and executive ability by offering honesty and executive ability by offering troops to support him in enforcing his decisions. This had a good effect. Men said, "Why, here's an alcalde with United States troops at his back." The landing at the river, several hundred feet wide, was covered with aquatters. The owners of land fronting the river made bitter complaints. The alcalde told the squatters that they must vamose. They demurred. He threatened a forcible removal. The threat was enough. The landing was cleared.
>
> In addition to his civil duties, Alcalde Field was an arbitrator in numerous controversies. There was a dispute between workversies. There was a dispute between work- upon its face. The mandamus was not versies. There was a dispute between workmen and their employer. The workmen wanted twelve dollars a day, and the employer refused to give them more than ten dollars. They referred the dispute to the alcaide. He declared that the workmen should be paid eleven dollars per day. There was a dispute as to whether freight on a crate of crockery should be charged by measurement or by weight. The slealde settled it in five minutes. One day a woman rushed into his office and asked for a divorce. She said that her husband treated her shamefally. The husband was at her heels, also clamor.
>
> "But I can only act in self-defense," pro-The husband was at her heels, also clamor-"But I can only act in self-defense," proing for relief from the bonds of matrimony.

"I think that would be acting in self-depersuaded them to kies and forgive, and they lett his office arm in arm, amid applause from The lawyer bought a brace of revolvers and had a sack-coat made with side-pockets so large that the pistols could be con ealed England village. There were neither nightly | friend to Judge Turner assure him that while he desired no personal town of the whole country.

Within a short time after Mr. Field subscribed for sixty-five town lots, property increased in value more than ten fold. In ninety days he sold as small portion of his ninety days he sold as small portion of his would kill him. The message of this State shall govern the decision.

Whenever they were the decision of the same than the state of the same than the constitution of the same than th ninety days he sold a small portion of his purchase for twenty-five thousand dollars. His frame and zinc houses brought in over one thousand dollars a month in rents. The emoluments of office were large. At one time he had fourteen thousand dollars in gold dust in his safe, besides his rentals and other property. One day a red cheeked boy, about seventeen years old entered his office and asked for a situation. The alcalde entered his office and asked for a situation. The alcalde entered his didge are fusal to obey the mandate of the carrier of the action.

The index's refusal to obey the mandate of the carrier of the carrier of the action. The prince mining regulations, where they meet the law was effectual. Whenever they met the law too and laws of the action.

The prince mining regulations was effectual. Whenever they met the law was e and asked for a situation. The alcalde en-gaged him as a clerk at two hundred dollars the supreme court left him no practice. He gaged him as a clerk at two hundred dollars the supreme court left him so practice. He amonth. He was a smart hoy, and a clerk embarke i on the sea of speculation, and in of unsurpassed ability. George C. Gorham short time lost all that he had acquired and

threatened to drive him into the Yuba river The second leg slature convened under the State constitution appointed W. R. Turner judge of the eighth judicial district. This A State election was at hand. Stephen's district included the thriving city of Marvaorganization go on. Let us stand by our organization and our own meb. The Cincinnati Liberals co-cred the Democracy in 1872 to nominate Greeley, who repudiated the Democracy of Shelby lowers and overwhelming delegant and south of the part of the part of the part of the part of the judiciary and the returned, and arrive little gentleman was spread over a counter in the adobe number of languages. His brother, David Dudley, or the assembly. He accepted the nomination of the judiciary and the removal of languages. His brother, David Dudley, or the assembly. He accepted the nomination of the judiciary and the removal of mature of the judiciary and the removal of mature of the judiciary and the removal of languages. His brother, David Dudley, or the assembly. He accepted the nomination of the judiciary and the removal of languages. His brother, David Dudley, or the assembly. He accepted the nomination of the judiciary and the removal of languages. His brother, David Dudley, or the assembly. He accepted that he would open a district included the thriving difference of languages. His brother, David Dudley, or the assembly. He accepted that he would open a district included the thriving difference in Mar, 1820, the total stools. Between five hundred and suit and announced that he would open a district included the thriving difference in Mar, 1820, the sequence was that the countries of languages. His brother, David Dudley, or the assembly. He accepted the nomination of the judiciary and the removal of languages. His brother, David Dudley, or the assembly. He accepted the nomination of the judiciary and the removal of languages. His brother, David Dudley, or the assembly. He had the country of the assembly. He had the houndard of languages and a part of the pa riends placed him in the field as a candidate papers. The judge had lived many years in and contained over twenty five thousand in-fexas, and had a Texan's hate for Freesoilers, habitants. The plucky lawyer threw his heart and soul into the canvais. He visited passed without reading, on the last day of the Among the newspapers he found a copy of the New York Evening Post. He instantly could get a hearing. Turner denounced him governor said that he could not sign it with-

became involved in debt. Judge

Mr. Field a copy of the act. The lawyer begged permission to read it, and was turnbegged permission to read it. court is made up. Take your seat, sir."

Mr. Field respectfully excepted to the decision, and said that he would appeal.

have another brother, a slaveholder in Tennessee, and with which, I ask, in the name of all that is good, are you going to place of all that is good, are you going to place me?"

He then spoke in favor of popular sovereignty and States' rights, and closed with a grand picture of the future of California. He grand picture of the future of California. He Turner never went back to Marysville. ashed.
"Sir," shouted the judge, surcharged with he was an independent candidate, his elec-

passion, "I fine you four hundred dollars and commit you for twenty-four hours."

"But," said the cool lawyer, "the statute gives me the right to appeal from any order.

The mandamus commanding Judge Turner to vacate his order of expulsion was issued on the fourth of July, and was served on the six-It is no contempt of court to give notice of an exception or an appeal. I ask my bretheren of the bar whether such a notice can be obey it. While applying to the sua posse Subpena me."

"Mr. Field left the court-room, followed by lawyers to show cause before his court in Sut-As they were going down the street the attornay remarked: "Never mind what the judge does. He's an old fool."

pelled from the bar for the publication of an article in the Piacer Times, written in reply to an attack from him. The judge's order to an attack from him. The judge's order Yes," answered Field, "he's an old jack- was dated October 4 h, and was served on the eighth. It required the lawyers to appear on The expression was heard by a Captain the third. As this was prior to the date Judge Field says you're an old jackass!" of his court he discovered his blunder in Turner became as red as a turkey cock, dates, and directed the sheriff to notify the and the court-room rang with laughter. trio that the last sentence of expulsion was recalled. They were commanded to appear before him on the twenty-eighth and show Field to the custody of the coroner. That officer accompanied him to his office, and, after a pleasant little chat, left him to himself. He remained there, receiving visits from saloons, asserting that if they did not appear friends and indignant strangers. He wrote on this second notice he would make an order at a statement of the facts, and had it veri- for their expulsion, and if they did appear, he would expel them for contempt in publishing On the twenty-eighth of October the trio appeared before Judge Turner. Mr. Field

Toward evening the deputy sheriff met their reply. Judge Torner, who asked him what he had done with Field. "He's in his office," the read an affidavit from one of the asso judges to show that Judge Turner, had open ly declared a purpose to expel them in any The deputy visited Mr. Field and detailed them to show cause against such threatened his orders. He added, "I'll obey them by action. Judge Turner declared the affidavit disrespectful. Permission to file it was re-

the coarsest epithets. In his reply Mr. Field

This same M'Carthy was called by the a This same M'Carthy was called by the county judge to give his testimony upon the return of the first writ of habeas corpus, and he then testified that Judge Turner's conduct on the bench was the most outrageous that he had ever witnessed in any court. His whole testimony was in the highest degree condemnatory of Judge Turner's action. He is either guilty of perjury, of the statement in his letter is false. He is either a liar or a perjured secuncycl. Thus convicted out of his own mouth, his vile epithets respecting myself are not worthy of a moment's consideration. In after days M'Carthy begged for recog-

The second California legislature met at San Jose on the first Monday in January, 1851. Stephen J. Field was placed on the adiciary committee of the lower house ew up a bill creating eleven judicial districts in the State, and defining the judicial powers of every officer from supreme judge p justice of the peace. It was passed after s full discussion. Most of its provisions are still retained in the code. He also prepared and introduced bills to regulate proceedings in civil and criminal cases. These bills were remodeled from the proposed codes of New York as reported by the commissioners of that State. The great labor involved in their preparation may be estimated from the fact that, in order to adapt them to the peculiar condition of the new State and the requirements of its constitution, as well as to his own views of what would constitute the best practice, he redrafted over three hundred sections, and added over one hundred new ones. Among the new sections were those and the admission in evidence of the customs and regulations of miners, and respecting exemptions from forced sale of personal prop-

The first legislature had enacted a general system of laws indispensable to the govern-ment of any community. It had done nothing, however, toward the protection or reguation of that great interest which had gata-ered from every nation of the world a restless and turbulent population. The gold-seekers were left to jostle each other, and to settle their disputes as best they might. The ownership of the mines was held by some to in the United States and by others to be in the State, while all were alike extremely alous of any assertion of power over them by the government of either. The miners could not be left to fight among themselves over questions of priority or extent of claims, and legislation must be in accord with the generally accepted opinion or it would be a dead letter. To do nothing was lo leave the peace of the State at the mercy of those whose thirst for gold might outrun their respect for fair dealing. Honest misunder-standings as to facts wire settled by brute

The world had never seen a similar spectacle—extensive gold fields suddenly peopled by masses of men from all States and counto whence the laws by which they would consent to be bound ought to emanate. The miners in each camp had held meetings, and enacted rules and regulations by which they agreed to be governed in that place. These had reference to the extent of each claim in a given locality, the acts necessary to constitute location or appropriation of the same, and the amount of work which should entitle the claimant to continued possession. The State could not safely attempt to substitute for these various rules any of a more general and uniform character. This tact was the basis of the measure brought forward by Mr. Field and by him urged to final success. He held the miners to the laws that they had should govern the courts in deciding mining

The principle was adopted in all other mining regions of the country, and finally by the congress of the United States.

The California civil and criminal -practice acts drawn by Mr. Field were afterward adopted in Nevada and the T-rritories west of the Rocky mountains. Except slight amendments, they remained unchanged twenty-two years, and their provisions are substantially re-embodied in the recent codes. Of Mr. Field's labors in the legislature, the Sau Jose Herald says:

So earnest and attentive was the lawyer to every steamer. He paid his respects to then included Nevada and Sierra counties. It was fifty miles wide and a bundred long, then been done in the legislative formation of the four long and the legislative formation of the four long and a bundred long, the placed implicit confidence in his recomthe New York Ecening Post. He instantly denounced the ex-alcaide as an Abolitionist. In a speech What was intended as an at of courtesy was the beginning of a long quarrel.

Mr. Field and made arrangements to return to New York. Just before the opening of the general term, however, Captain Satter told him that he had been sued by one Cameron, and becought him to appear as his counsel. He did so. On a preliminary motion Judge Turner peremptorily ruled against him. Jesse O. Goodwin remarked the third term of the California legislation as described in the contests of the miners in the count of the California legislation as and bolitionism. "It is false," the governor said that he could not sign it without to the miners and hobitionist. In a speech on treating, and it was too late for that. Mr. Field assured him that he could not sign it without to the miners in the town of Nevada, Mr. Field assured him that he could not segund him that he sequence were to be tried at home. You can never win it of policy arising from local and other facts. Contracts of violence. I openly that it is untrue let at the total thorn the property. You can never win it of policy arising from local and other facts. Contracts of violence. I openly the countries at the total home. You can never win it of policy arising from local and other facts. Contracts of violence. I openly that the countries that the contests of the miners in the was respecting claims ought to be tried at home. Field said that the contests of the miners in the was to be decided from called the was on decided from can flow and the diverse considered them. Field assured him that he could not segure the harmonious working of the countries. The fact of the tries and legislator was the reply, and the act wa "But you have a brother in New York ho is a Freesoiler," the miner shouted.
"So I have," Stephen answered, "and a bill. Nor did he forget the interests of his immediate constituents. He bill creating the counties of Nevada and Klamath. This bill split Trinity, Sutter and

"I fine you two hundred dollars, sir," ad-ded the irate judge, "and commit you to the carried the precinct by between three hun-"Very well," repeated Mr. Field, una- Marysville because he prevented the lynching of unwilling to spend the time necessary for

you five hundred dollars, and commit you for in that court. Such admission, under the hat, and it excited neither surprise nor comforty-eight hours. Put him out of court," rule, gave them the right to practice in all the ment. There was a hot debate over the prohe added, turning to the sheriff. "Subpena courts in the State. To stem its effect Judge posed impeachment of Judge Turner. At the Turner directed the sheriff to notify the three conclusion of Mr. Field's argument, B. F. lawyers to show cause before his court in Sut-Moore, of Tuolumne, arose to reply. He the attorney in the case and a deputy-sheriff. ter county, why they should not again be ex-As they were going down the street the athimself on a sea of vituperation. Mr. Field was handled without gloves. The most offensive epithels were used, and the speaker Powers, with whom Judge Turner boarded. of service and issue, they paid no attention He ran to the courthouse, opened the door, and issue, they paid no attention made no allusion to his personal remarks, and shouled: "Judge Turner, oh, Judge! them over the bar. After the adjournment, however, he asked S. Broderick, president of the State senate. They were bowing acquaintances. "Why Judge, you don't look well," said Broderick What's the matter?"

satisfaction, he will denouace him as a liar and a coward.

"Then," said Drury Baldwin, "Judge Field will be shot in his seat."

"In that case," rejoined Broderick, "others will be shot in their seats." took his seat at his desk as usual. Broderick was seated near him, with eight or nine personal friends, all armed to the teeth and

the room. This prompt action undoubtedly saved his life.

On his return to Marysville from San Jose, Mr. Field had barely money enough to pay his passage. His investments were swallowed up, leaving him worse than penniless. His real estate had been assigned for the benefit of his creditors. He owed five thousand dollars a month. It had a garret, in which he placed a cot. A blanket was his only covering at night, and his value served as a pillow. His washstand was a chair without a back. An old pine table and a canebottomed sofa were his furniture. Rigged out

with a tin basin, a wooden pail, a towel, a comb, a toothbrush, and a bit of soap, he renewed the struggle of life. Again he nailed his shingle to the door and began to practice He was moving along smoothly when his friends began to urge his nomination for the State senate. With strong backing, he went He went to California in the rush of 1849, to work in earnes', and secured a majority of the delegates to the Democratic county convention. The delegates were to meet at Downeyville, seventy miles from Marysville. Friends who were unable to attend the convention sent Mr. Field their proxies. He gave ten of these proxies in Baltimore a few years ago.
to a supposed friend, five to a second, Fairfax was the soul of honor. While to a supposed friend, five to a second, and to a third two. The first friend sold his clerk of the supreme court he had a dispute ten proxies to the other aide for a promise to make his partner candidate for sher.ff, an carried a sword-cane. In a moment of anger make his partner candidate for sher.ff, an office worth thirty thousand dollars a year. The other friend bartered his five proxies for the nomination for county judge. Thus fitteen of the Field proxies were cast for Joseph C. M'Kibben, the opposing candidate. Mr. M'Kibben was afterward a staunch Deuglas congressman. Mr. Field fell two votes short of the nomination.

of the nomination.

Disgusted with politics, for thirty months

Lee fell back, crying piteously, "Don't shoot. e paid strict attention to his law practice. In I that time he paid off all his debts, with in- dripping with the Virginian's blood terest at the rate of ten per cent. a month. He was overwhelmed with clients. There was a dispute over a placer mine in Yuba river, at Park Bar. Mr. Field was retained. Fairfax did not short Covered with blood, the looked Lee full in the eye end said: "You Suit was brought before a justice of the peace for an alleged forcible entry and detainer, a form of action in vogue for the recovery of mining claims, because the title to the land was vested in the United States. It was prosecuted purely as a possessory action. The constable who summoned the jury had received two hundred dollars to summon parties named by the other side. This fact was ascertained beyond controversy by evidence placed in the hands of Mr. Field. While in bed at Park Bar he overheard a conversation tered justice in Marysville until superseded by officers under the State government. The place was infested with gamblers, thieves, place was infested with gamblers, thieves, and cutthroats, yet it was as orderly as a New list mark across the street. He then sent a fair play should be the law of the lamb, and the jury had arrested to be fair play should be the law of the lamb, and the jury had agreed to render a verdict in his left. bed at Park Bar he overheard a conversation another. ties in an adjoining tent. The juror assured the party that everything was fixed, and that he jury had agreed to render a verdict in his | choate condition of almost ho

spectators, most of whom were friendly to the other side. In summing up, Mr. Field showed conclusively that his client was en-

"Gentlemen," said he, in closing his arguyour verdict except by the evidence. We have by twenty thousand majority. neither approached you secretly nor sought to for which he was chosen control you. We have relied solely upon the January, 1858. Meantime a vacancy oclaw and the evidence to maintain our right to carred, and he was appointed, by a governor this property. But our opponents have not thus acted. They are not satisfied to allow you to weigh the evidence. They have endeavored to corrupt your minds and pervert
your judgment. With uplitted hands you
declared by the ever-living God that you
would return a verdict according to law.
Will you perjure your souls? I know that you (pointing to a juror) have been approached. Did you spurn the wretch that made the juror) talked over this case last night, for I | physical resources. The

bargain. At this an ominous "click, click, click!"
was heard. A score of pistols were cocked.
"There is no terror in your pistols, centlecivil law adulterated by Mexican provincialmen," continued Mr. Field in a thrilling tone. "You cannot win your case by shooting me. You can win it only by showing title to the property. You can never win it by bribery or threats of violence. I openly charge attempted bribery. It it is untrue let the jurors speak from their seats. Attempted bribery I saw additerated by Mexican provincialism and usages. The common law was to be decided from conflicting decisions in America and England, and the diverse considerations of policy arising from local and other facts. Contracts made-in semi-civilized countries and elsewhere were to be interpreted in California. The court was compelled to frame laws for large and important interacts.

sence of a few minutes the jury returned a verdict in favor of Mr. Field's client. Some admitted that they had been corruptly approached, but added that they were not so base as to be influenced in that way. Within two weeks the owners took from the placer Judge Field pushed the old concern over. over ninety thousand dollars in gold dust.

be was an independent candidate, his election expenses were very heavy.

The mandamus commanding Judge Turner to rich end to repulsion was issued on the fourth of July, and was served on the six-dependent to accordance with the fourth of July, and was served on the six-dependent to accordance with the governor's proclamation, and Wm. T. Barbour, "the statute to give notice of the fourth of July, and was served on the six-dependent candidate, his election expenses were very heavy.

The mandamus commanding Judge Turner to vacate his order of expulsion was issued on the fourth of July, and was served on the six-dependent candidate, his election expenses were very heavy.

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The mandamus commanding Judge Turner to vacate his order of expulsion was issued on the fourth of July, and was served on the six-dependent to accordance with the governor's proclamation, and Wm. T. Barbour, a lawyer of Nevada county was election the fourth of July, and was nearly valueless. The rush of gold-the fourth of July, and was nearly valueless. The rush of gold-the fourth of July, and was nearly valueless. The rush of gold-the fourth of July, and was nearly valueless. The rush of gold-the fourth of July, and was nearly valueless. The rush of some the fourth of July, and was nearly valueless. The rush of legusite to a suit. As the government the fourth of July, and was nearly valueless. The rush of bour, a lawyer of Nevada county was elected. Judge Mott expressed the opinion that there was no vacaney, and declined to surrice either towiched. In the fair of 1522.

In those days men were walking arsenals.

In those days men were the fourth of July, and was served on in that court. Such admission, under the rule, gave them the right to practice in all the courts in the State. To stem its effect Judge posed impeachment of Judge Turner. At the gave offense to Judge Barbour. When his preme court held that mines of gold and silterm was about to expire he became a can-didate for re election. Mr. Field advised his friends to vote against him, and took an active part in the canvass.

Judge Barbour retaliated in the most of- It attracted much attention.

fensive terms, and Mr. Field protested. The tice held that minerals in soil belonging to judge repeated his language, and challenged the United States pass with the soil in a openly declared himself responsible for his language at any time and place. Mr. Field answered Mr. Moore's arguments, but made no allusion to his personal remarks. Atter the adjournment, however, he asked S. A. Merritt to bear a note to Mr. Moore, demanding an apology or satisfaction. Mr. Merritt refused, through fear of being disqualified for office. Mr. Richardson, another member, also declined. Happening into the senate chamber, the jurist saw a stonecutter seated at a desk, writing. He was David C. Broderick, president of the State senate. the lawyer to settle the difficulty in the usual grant alone, and that neither the sovereignty cepted it. Fairfax insisted upon his version of the affair. Judge Mott consulted with his public lands. principal, and Mr. Field told him to waive the point and accept the situation. After con- Chief-Justice Field in 1860 established a new "Well, I don't feel well, "Field responded, "I don't feel well, "Field responded, "I don't feel well, "Field responded, "What worries you?" inquired the stone-cutter.

The jurist gave the particulars of Moore's assult upon his character, and said that at all having he was determined to call him to apposite sides of the room with their faces of his own title, and not upon the weakness all having he was determined to call him to all hexards he was determined to call him to opposite sides of the room, with their faces of his adversery's, and that it is a sufficient to the wall, and were to turn and fire at the answer to his action to show talle out of him "Well, I'll be your friend." Broderick re-ed. "Write your note, I will deliver it." word, and then to advance and end the con-flict with their knives. Juage Mott said that this State, from the anomalous condition of

and, as such, could not engage in a duel. He declared that if he was attacked he would protect himself and kill his assailant. With these words he left his second in the road, At the opening of the house Mr. Field mento. Mr. Field hailed Mr. Field ha offered him a seat in his carriage. The Virginian accepted the invitation, and they drove to Nicolaus, where they breakfasted. ready for any emergency. When the journal was read both Field and Moore sprang to their feet and shouted, "Mr. Speaker!" That officer recognized "the gentleman from Tuolume," and Mr. Field took his seat. Moore read a written apology, full, ample and satisfactory. sfactory.

Broderick afterward befriended Mr. Field his name, and he would assume the respon is necessary to protect the writer they could o ve on many occasions. They were standing at the bar of a hotel in San Francisco in 1852, tion. On the next morning, while the lawyer when Broderick saw a man throw back his Spanish cloak and level a revolver at his office. Judge Barbour came behind him, friend. In a twinkling he flung himself between the two men and pushed Field out the "Draw and defend yoursel", sir." Mr. Field. "Draw and defend yoursel', sir." Mr. Field turned, with a pile of wood on his arm, and said: "You infernal scoundrel, only an assassin would come behind a man's back with a pistol and tell him to defend himself. You ave not the courage to shoot. I dely you. A dozen persons were present. The judge turned around and walked away. Referring to the incident in a letter to Judge Turaer, he boasted of having given Field a sound whipping. Afterward he manifested his feeling by adverse rulings when the lawyer appeared of his creditors. He owed five thousand dol-lars, bearing interest at ten per cent. a month, and his assets on landing at Marys-ville were a solitary pistareen. A Mr. Peck was landlord of the United States hotel. He had known Mr. Field in palmy days, and readily trusted him for a fortnight's board. He sent to the boat for the lawyer's trunk, and and the sent to the boat for the lawyer's trunk, and paid the carman. On the ensuing day Mr. court by winning them before Judge Bar Field hired a small office at fifty dolboar. Finally, at the judge's someitation

meeting. He said he was a judicial officer,

Charles S. Fairfax, Judge Barbour's second, was a lineal descendant of the great Fairfax family, which has figured so common am unarmed, "although his sword was "Shoot the damned ecoundryl." exclaimed

All California rang with the story of this ness. The carrying of deadly unconcealed The trial was held in a saloon crowded with weapons was the universal rule, and such

experiences were common to most men of In 1857 Stephen J. Field was elected

ment, "we have not endeavored to influence | judge of the supreme court of California

calendar was crowded with cases involving im nease interests, the most important quesproposal, or did you hold secret counsel with tions, and various and peculiar litigation, him? I know that you (pointing to another The State was developing her multiform overheard the conversation, the promises, and your pledge. Canvas houses are as one here.

Words uttered in one are voices in all. You did not dream that you were heard. But I to be undone which had been done in the was no general or common source of The address was effectual. After an ab- congruous. The whole scheme and organi and erected a new edifice. The whole lande system of California rests on his decisions. He cannot ride in any direction across the Gordon N. Mott was appointed judge in the new judicial district. In the summer of 1851 the governor issued a proclamation for the fall elections. Many supposed that Judge Mott, under his appointment, would hold over until the fall of 1852. Candidates were nominated, however, in accordance with the

Another important decision rendered by The lawyer indignantly asked for the warrant or commitment. The deputy replied
that he had only a verbal order. Mr. Field
then ordered him off his premises. He
obeyed, but turned the key after closing the
obeyed, but turned the key after inter knives. Suage more said under the
the terms were barbarous and unprecedents.

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the terms were barbarous and unprecedents.

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